

June 25, 2003

The Honorable Board of Supervisors
County of Los Angeles
Room 383, Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Dear Supervisors:

Our Department has established cooperative animal placement agreements with more than 50 registered nonprofit groups that specialize in the adoption and placement of dogs and cats from animal shelters.

These placement agreements have helped substantially boost the number of animals adopted from our six County shelters and we work closely with these groups and regard them as animal adoption partners.

A few persons from a small number of groups believe that California Food and Agriculture Sec. 31752 (b) mandates that all unclaimed stray dogs must be released from impoundment unless they are "irremediably suffering from a serious illness or severe injury." The fact that we have found some stray dogs to be too aggressive, dangerous or temperamentally unsuited for placement is irrelevant to them.

Our Department's placement policy mirrors the exact language of California Food and Agriculture Code Section 17900 (a), which states: Adoptable animals include only those animals eight weeks of age or older that, at or subsequent to the time the animal is impounded or otherwise taken into possession, have manifested no sign of a behavioral or temperamental defect that could pose a health of safety risk or otherwise make the animal unsuitable for placement as a pet, and have manifested no sign of disease, injury or congenital or hereditary condition that adversely affects the health of the animal or that is likely to adversely affect the animal's health in the future."

As you know, our duties include protecting the public from attacks by aggressive, dangerous or vicious dogs. We would be remiss in our duties if we knowingly permitted the placement of such animals to anyone, including members of animal rescue groups.

Furthermore, Los Angeles County Code Section 10.36.245, which the Board adopted in 2000, states: "The director may declare an individual animal not suitable for placement which demonstrates aggressive behavior, prior history of such behavior, or irremediably suffering from a serious illness or severe injury."

As part of the animal impoundment process, our staff has been trained to assess the temperament of the animals housed at our shelters. In cases where dogs show aggressive or menacing behavior, we administer special standardized assessment testing to determine if the animal is only acting out of fear or is, in fact, aggressive and demonstrates behavior that makes it unsuitable for placement.

Last October, we asked the Office of the County Counsel to advise us on the apparent discrepancy between Food and Agriculture section 17005, which we use as the basis for animal placement, and 31752(b), which a few animal welfare activists insist is the governing section of the law.

After reviewing the law for us, the County Counsel informed us, "You are on solid ground in enforcing your policy of requiring a behavioral assessment of stray dogs and cats to determine the suitability of an animal for placement, and in not permitting the adoption of animals with aggressive behavior."

The County Counsel's analysis of California law determined that the intent of the Legislature was to insure that only the placement of adoptable animals is permitted.

Furthermore, the County Counsel states, "It is against public policy for a public entity to permit the adoption of a stray animal which has manifested behavior problems." And, the office added, "The knowing release of a potentially dangerous animal could create liability on the part of the Department."

While we continue to work with every recognized nonprofit animal placement organization that registers with our agency, we will not jeopardize public health or safety by placing animals we believe, on the basis of standardized temperament testing, to be aggressive or dangerous animals.

A copy of the County Counsel's opinion on this matter is attached to your information.

Sincerely,

Marcia Mayeda
Director

Attachment